



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,938	01/20/2000	HEIKO DASSOW	2345/101	7873
26646	7590	06/16/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			FLYNN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 06/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

5

<b>Office Action Summary</b>	<b>Application No.</b> 09/403,938	<b>Applicant(s)</b> DASSOW ET AL.	
	<b>Examiner</b> Kimberly D. Flynn	<b>Art Unit</b> 2153	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to Remarks filed February 28, 2005. Claims 12-24 are presented for further consideration.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-17, are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al. (U.S. Patent No. 6,314,468).

In considering claim 12 and 13, Murphy discloses a method for transmitting information, comprising the steps of using a data structure that is defined by a formal language called Abstract Syntax Notation One (col. 12, 43-45 [the EDI message includes a header comprising a message type and length followed by the message wherein the message type is defined by ASN.1; lines 5-10]); and transmitting information encoded as text (col. 23, lines 63-67 and col. 8, lines 19-28).

In considering claim 14, Murphy discloses wherein transmitting a designation of a data type with each piece of the transmitted information, the designation of a data type being defined by the formal language called Abstract Syntax Notation One (col. 23, lines 63-67 and col. 11, lines 19-25).

In considering claim 15-16, Murphy discloses wherein the step of transmitting the designation includes the steps of placing the designation in front of each piece of the transmitted information and separating the designation from each piece of the transmitted information by an equal sign (see fig. 11).

In considering claim 17, Murphy discloses outputting a form of encoded information by using a standard, readily available output facility (fig. 24a means 1306).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 18-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Goumillou (U.S. Patent No. 5,836,008).

In considering claim 18 and 19, while Murphy discloses the system substantially as claimed, Murphy does not disclose transmitting encoded information between a subscriber and a public telecommunications network, wherein the encoded information relates to management of public telecommunication networks and is transmitted via Common Management Information Protocol. Nonetheless, information transmission of telecommunications networks based on CMIP is well known as evidenced by Goumillou.

In similar art, Goumillou discloses a system for transmitting information between a source and a receiver via a network connected to telecommunications equipment. Goumillou also

Art Unit: 2153

discloses wherein the telecommunications equipment comprises for the internal transmission of management messages communication means based upon the Common Management Information Protocol (CMIP). Thus a person having ordinary skill in the art would have recognized the desirability of including the information transmission based on the CMIP in the telecommunication networks because the protocol governs the information management of telecommunications equipment. Therefore, the aforementioned limitation would have been an obvious modification to the system disclosed by Murphy.

In considering claim 20, although Murphy discloses the invention substantially as claimed Murphy fails to disclose the step of creating an e-mail interface for transmitting the text-encoded information. Examiner takes official notice that e-mail interfaces for transmitting text-encoded information is well known. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Murphy to include the e-mail interface for transmitting text-encoded in order to make the encoded information available to users with email capabilities. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Murphy.

In considering claim 23, the limitations of claim 23 are substantially the same as those of claims 19 and 20 and are thus rejected on the same grounds.

6. Claims 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Rigori (U.S. Patent No. 5,892,950).

In considering claim 22, While Murphy discloses the invention substantially as claimed, Murphy does not disclose steps of automatically encoding and sending management information;

Art Unit: 2153

and automatically receiving and decoding the management information. Nonetheless, the aforementioned limitation is a well-known inexpensive encoding/decoding mechanism that can be easily implemented either or both in software or hardware as evidenced by Rigori. In similar art, Rigori discloses wherein the simple encoding/decoding technique can be implemented by including a simple ASCII character-to-binary symbol encoder at the sender end and a binary symbol decoder-to-ASCII character decoding at the receiver end. A person having ordinary skill in the art at the time the invention was made would have readily recognized the advantages of including the encoding/decoding technique. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Murphy.

In considering claim 21, Rigori further discloses the method further comprising the step of using encoding tables, the encoding tables being adaptable to character sets of transmitting systems (col. 5, lines 7-10).

In considering claim 24, the limitations of claim 24 are substantially the same as those of claims 12 and 22 and are thus rejected on the same grounds.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

Art Unit: 2153

((703) 872-93068, for After Final communications


(703) 746-7239, for Official communications

(703) 746-7240, for Non-Official/Drafts.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900.

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
June 11, 2005



GLENON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2106